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Harness, Dickey & Pierce, P.L.C.
7700 Bonhomme Avenue
Suite 400
St. Louis, MO 63105

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OFFICE OF PETITIONS

In re Application of :
Hongy Lin, et. al. :
Application No. 09/681,891 :
Filed: June 21, 2001 :
Attorney Docket No. 7377-00081 :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed May 25, 2004, to revive the above-identified application.

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner to the final Office action mailed April 5, 2002, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned after midnight July 5, 2002.

In response, petitioner submitted with the instant petition an authorization to charge \$1,330 for the petition to revive fee and a \$110 fee for the Terminal Disclaimer. Petitioner also submitted an Amendment, Revocation and Power of Attorney, and a Statement under 37 CFR 3.73(b).

The petition is **GRANTED**.

The Revocation and Power of Attorney filed May 25, 2004, has been made of record.

37 CFR 1.137(c) requires a terminal disclaimer dedicating to the public a terminal part of the term of any patent granted on the above-identified application or any patent granted on any continuing application that contains a specific reference under 35 U.S.C. 120, 121, or 365(c) to the above-identified application. Since the application is a utility or plant application filed after June 8, 1995, a terminal disclaimer is not required. Accordingly, the terminal disclaimer filed with the instant petition is unnecessary. Therefore, the fee of \$110 will be refunded to petitioner in due course.

The application file is being forwarded to Technology Center Art Unit 3742, for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy